

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 4:09CR066-P-S

**TYPHRON ARMSTRONG,
STACY BROWN,
EVELYN JACKSON,
JAMES HENRY TURNER, III,
SHANISHA WILLIAMS, and
KELLY YOUNG,**

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant James Henry Turner's second motion to continue trial [111]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for January 11, 2010. Defense counsel requests a continuance to afford more time to resolved discovery issues and to engage in plea negotiations.

The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(7)(A), the period of delay from January 11, 2010 until the new trial date to be set in this matter. The time is excludable under subsection (h)(7)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant's counsel more time to adequately prepare for his client's defense. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to Defendant Armstrong's co-defendants pursuant to 18 U.S.C. section 3161(h)(6) because the period of delay is reasonable and no motions for severance have been

granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant James Henry Turner's second motion to continue trial [111] is **GRANTED**;
- (2) Trial of this matter is continued **as to all defendants** until Monday, March 1, 2010 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;
- (3) The delay from January 11, 2010 to March 1, 2010 is excluded from Speedy Trial Act considerations as set out above;
- (4) The deadline for filing pretrial motions is February 8, 2010; and
- (5) The deadline for submitting a plea agreement is February 15, 2010.

SO ORDERED this the 5th day of January, A.D., 2010.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE